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February 19, 2004

United States Environmental Protection Agency
Region III
Hazardous Site Cleanup Division
3HS22
1650 Arch Street
Philadelphia, PA 19103-2029

Attn: Mitch Cron
Remedial Project Manager
Western PA Remedial Section

Re: Bally Borough
Superfund Site
Issues and Concerns

Dear Mitch:

It is over a year now that the 1-4 dioxane issue is being addressed by the EPA, American Household, Inc. and the Borough. This letter is to bring forth key issues and concerns that we feel need to be put in writing and addressed in the immediate future. A meeting was held in late January 2004 with the Toni Hemerka, Greg Unger, Ron Gahagan, Mike Bedard, [REDACTED] and [REDACTED]. Mr. [REDACTED] is a property owner of a proposed well site and Al Lutz is a developer interested in that property. These issues are:

- A draft agreement was submitted by Ron Gahagan to the Borough for review. A paramount issue with the agreement concerns the ownership and responsibility of a new proposed well. At this time, the Borough does not foresee an issue of ownership. With appropriate construction and agreements, the Borough will consider dedication of the proposed well. The Borough will not however, consider any relief of responsibility of American Household, Inc. of a continued supply of water of sufficient quantity and quality in the same characteristics as the existing Borough Wells No. 2 and No. 3 provided prior to contamination. The agreement draft suggests a short limited period of warranty, at which time, Bally Borough becomes fully responsible for any conditions created at the well. This clearly is not acceptable.
- A proposed new well, on the [REDACTED] property north of the Borough, appears to be in the forefront of activity. Many documents are being forwarded to the Borough

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and their professional staff for comment. At the meeting in late January, 2004, referenced above, a housing development and golf course was discussed in the vicinity of the proposed [REDACTED] well. A condition stipulated by the developer during the meeting was that the Borough not object to development of the surrounding area for homes and golf course. The Borough will not waive any right to object to any development that may impact the proposed water source. Of particular concern is the potential for proposed additional golf course wells impacting the proposed water source.

- The water yield from Well No. 3 is 450 gpm. Water quantity from any proposed well should be no less than 350 gpm.
- The Borough has concerns about a back-up water source. Prior to contamination, the Borough had Wells No. 2 and No. 3 as independent sources of water.
- A status meeting should be scheduled between American Household, Local, State and EPA official and representatives.
- It is nearly a year since the public meetings were held discussing the current problems with consumers. Another public meeting should be held to discuss the status and proposed schedule of the project with the consumers on the water system.

It should be understood that many more issues will come forward as the project moves forward. The above are several key issues that the Borough feels should be addressed immediately. With this letter, the Borough does not comment on the status of Well 3, the backup stripper or the proposed discharge to the stream in Washington Township.

We appreciate your efforts in this matter. Please contact the undersigned to discuss the above in more detail.

Respectfully Submitted
Bally Borough



Toni Hemerka
Borough Manager

Cc: Systems Design Engineering, Inc.
Jeff Karver, Esq.
Ron Gahagan
Elmer Knaub, PADEP

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